

ORDINANCE NO. ____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING AND AUTHORIZING THE EXECUTION OF A UNILATERAL FIRST AMENDMENT TO LEASE AGREEMENT NO. 11,003 FOR VEHICULAR AND UTILITY ACCESS TO THE REAL PROPERTY LOCATED AT 1240 EAST YANONALI STREET (APN 017-520-001, -002, -003, AND -004) EXTENDING THE EXISTING LEASE WITH THE CITY FOR AN ADDITIONAL FIFTY (50) YEAR PERIOD

WHEREAS, the City is the owner of real property located in the City of Santa Barbara commonly known as Eastside Neighborhood Park and Yanonali Gardens which is legally described in Exhibit "A" of the lease extension attached hereto (and incorporated herein by reference) and which is marked as "City park property;"

WHEREAS, the Lessee is the owner of the common area portion of that certain real property in the City of Santa Barbara which is depicted on Exhibit "B" of the Lease attached hereto;

WHEREAS, in 1981, the City, as lessor, entered into a 50-year lease of a 22 foot wide portion of the City park property legally described in Exhibit "C," and a copy of this Lease was recorded on July 7, 1981 in the official records of Santa Barbara County, as Document No. 81-27355 (the "Lease"); and

WHEREAS, one of the home owners of the Lessee has requested that City now extend the term of the term of the existing Lease to September 23, 2058.

NOW THEREFORE, THE COUNCIL OF THE CITY OF SANTA BARBARA ORDAINS AS FOLLOWS:

The Unilateral First Amendment to Lease Agreement, dated as of October 7, 2008, by the City of Santa Barbara, a municipal corporation ("City") for the benefit of Park Creek Home Owners Association, Inc., the Successor-In-Interest to the original Developer/Lessee ("Lessee") attached hereto is approved and the Mayor of the City is authorize to sign the Unilateral First Amendment to the Lease Agreement dated as of October 7, 2008.